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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/599,299

09/25/2006

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12/03/2009

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

CROWE, DAVID R

ART UNIT

PAPER NUMBER

2885

MAIL DATE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/599,299	<b>Applicant(s)</b> NOIROT, REMI	
	<b>Examiner</b> DAVID R. CROWE	<b>Art Unit</b> 2885	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 7-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 7-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 April 2008 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. The amendment's filed on 9/25/2009 have been entered.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the bi-convex lens array must be shown or the feature(s) canceled from the claim(s). The examiner requests enlarged versions of figure 4 which clearly show the array 304 as a biconvex and biconcave lens array. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

Art Unit: 2885

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 1-3 and 7-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims invoke 112[6] by the recitation of "means for moving said lens array ..." The examiner determines that the 3-prong test has been passed. 1) The phrase "means for" was used. 2) The claim includes functional language "moving said lens array." 3) The claim does not recite structure or acts to perform the movement.

"If one employs means plus function language in a claim, one must set forth in the specification an adequate disclosure showing what is meant by that language. If an applicant fails to set forth an adequate disclosure, the applicant has in effect failed to particularly point out and distinctly claim the invention as required by the second paragraph of section 112." *In re Donaldson Co.*, 16 F.3d 1189, 1195, 29 USPQ2d 1845, 1850 (Fed. Cir. 1994) (in banc).

The proper test for meeting the definiteness requirement is that the corresponding structure (or material or acts) of a means (or step)-plus-function limitation must be disclosed in the specification itself in a way that one skilled in the art will

Art Unit: 2885

understand what structure (or material or acts) will perform the recited function. See *Atmel Corp. v. Information Storage Devices, Inc.*, 198 F.3d 1374, 1381, 53 USPQ2d 1225, 1230 (Fed. Cir. 1999). MPEP 2181

In this case, the specification fails to set forth any structure at all and refers to the claimed "means for moving" as means for moving per se.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Masumoto (US 5,649,753).

Masumoto discloses a plurality of lighting units for generating a plurality of convergent beams, each beam of the plurality of convergent beams having a central axis [6 and 7] and each lighting unit of the plurality [two] of lighting units [1 and 2] comprising a light source [1a and 2a], a collimator [1b and 2b] and a convergent lens [11 and 12]; and a lens array [13-15] of convergent lenses located substantially around said central axis [6 and 7] for receiving the plurality of convergent beams, wherein the convergent lenses comprise bi-convex lenses [convex lens 13 or 14 on the front and a convex rear surface 15].

With respect to the means for moving the lens array with respect to the light units which include convergent lenses [11 and 12] [claim 7] in either a parallel [claim 8] or perpendicular direction [claim 9], Masumoto discloses with respect to figures 7 and 10, "The focus of the first lens 56C [11 of figure 1] at which the light beams outgoing from the first lens 56C are focused is adjusted to be in the center [requiring perpendicular adjustment] of the corresponding second lens 58C [13 of figure 1] and the vicinity thereof [requiring parallel adjustment]". Therefore since the claim and specification lacks details of the means for moving, as best understood, the assembly of the device by hand to adjust the focus of the converting lenses to be located at the lens array centered on each lens of the array reads on the required means for moving.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masumoto.

Masumoto teaches a plurality of lighting units for generating a plurality of convergent beams, each beam of the plurality of convergent beams having a central axis [6 and 7] and each lighting unit of the plurality [two] of lighting units [1 and 2] comprising a light source [1a and 2a], a collimator [1b and 2b] and a convergent lens

Art Unit: 2885

[11 and 12]; and a lens array [13-15] of convergent lenses located substantially around said central axis [6 and 7] for receiving the plurality of convergent beams, wherein the convergent lenses comprise bi-convex lenses [convex lens 13 or 14 on the front and a convex rear surface 15].

With respect to the means for moving the lens array with respect to the light units which include convergent lenses [11 and 12] [claim 7] in either a parallel [claim 8] or perpendicular direction [claim 9], Masumoto teaches with respect to figures 7 and 10, "The focus of the first lens 56C [11 of figure 1] at which the light beams outgoing from the first lens 56C are focused is adjusted to be in the center [requiring perpendicular adjustment] of the corresponding second lens 58C [13 of figure 1] and the vicinity thereof [requiring parallel adjustment]". Therefore since the claim and specification lacks details of the means for moving, as best understood, the assembly of the device by hand to adjust the focus of the converting lenses to be located at the lens array centered on each lens of the array reads on the required means for moving. As shown by the Masumoto the lens array is designed to converge the central axes [6 and 7] as shown after the array as [6a and 7a].

Masumoto fails to teach the lens array comprising bi-concave diverging lenses.

It would have been an obvious to one of ordinary skill in the art at the time the invention was made as matter of design choice to create an array of diverging lenses from bi-concave lenses which also maps central axis [6] onto axis [6A] of Masumoto, since the applicant has not disclosed that using bi-concave lenses solves any problem or is for a particular reason, in fact the applicant states "a bi-convex lens, could also be

Art Unit: 2885

used with exactly the same results." [Page 3, line 35]. It appears that the claimed invention would perform equally well with an array of converging or diverging lenses. One skilled in the art would be motivated to use the lens array that is most easily configured, created and installed in the proper location for the necessary bending of light.

### ***Response to Arguments***

9. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Plummer (US 4,293,892) teaches a zoom light apparatus with a lens array [36] having convex lenticels on each side thereby creating a bi-convex lens array. Although Plummer only teaches a single light source and collimator it may have been obvious to replace the light source reflector combination with a plurality of collimated LEDs to capture the well known advantages of light emitting diode technology.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP



Art Unit: 2885

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID R. CROWE whose telephone number is (571)272-9088. The examiner can normally be reached on 8:00AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jong-Suk (James) Lee can be reached on 571-272-7044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2885

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DRC

11/24/2009

/Jong-Suk (James) Lee/  
Supervisory Patent Examiner, Art Unit 2885